

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
TRENTON VICINAGE**

CENIA GARCIA,

Plaintiff,

vs.

HOME EXPRESSIONS, INC. and JOHN
DOES 1-5 and 6-10,

Defendants.

Civil Action No.

NOTICE OF REMOVAL
Document Electronically Filed

Defendant, Home Expressions, Inc. (“Defendant”), hereby gives notice to the court, pursuant to 28 U.S.C. §1441, of the removal of this action which has been pending in the Superior Court of New Jersey, Law Division, Middlesex County under Docket No. MID-L-1008-21 (the State Action). The removal to this court, The United States District Court for the District of New Jersey – Trenton Vicinage, is proper for the reasons set forth below:

1. On or about February 17, 2021, the plaintiff, Cenia Garcia, commenced an action in the Superior Court of New Jersey, Law Division, Middlesex County under Docket No. MID-L-1008-21 entitled *Cenia Garcia v. Home Expressions, Inc., et al.*, against the Defendant.
2. Defendant became aware of this lawsuit on February 25, 2021 via service on the Defendant.
3. A copy of the Service of Process and Complaint served upon Defendant in the state court action are attached hereto and referred to collectively as Exhibit “A.”
4. This Notice of Removal is being filed in accordance with 28 U.S.C. §1446 (a) and (b).

5. The grounds for this removal are based upon the original jurisdiction of this Court pursuant to 28 U.S.C. §1331, which allows this Court to hear matters based upon federal question.

6. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1331; and is one which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. §1441, et seq. in that it arises under the Expanded Family Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq. (“FMLA”) and the Families First Coronavirus Response Act (“FFCRA”).

7. Venue is appropriate under 28 U.S.C. § 1391 because Plaintiff is a resident of New Jersey and Defendant conducts business in Middlesex County, New Jersey.

8. Written notice of the filing of this Petition for Removal has been given to Plaintiff's counsel in accordance with 28 U.S.C. §1446(d) promptly with the filing of the instant pleading in Federal Court.

9. A copy of the Notice of Removal is being filed simultaneously with the Superior Court of New Jersey, Law Division, Middlesex County in accordance with 28 U.S.C. §1446(d).

10. Pursuant to 28 U.S.C. §1446(b), this Notice of Removal is being filed within thirty (30) days after receipt of the Summons and Complaint by the moving party.

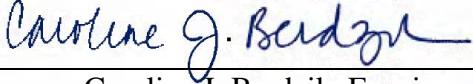
11. Copies of all process and pleadings served upon Defendant by the Plaintiff are attached to this Notice of Removal as Exhibit "A."

WHEREFORE, Defendant, Home Expressions, Inc., respectfully gives notice to this Court of the removal of the state action in the Superior Court of New Jersey, Law Division,

Middlesex County to the United States District Court for the District of New Jersey, Trenton
Vicinage.

GOLDBERG SEGALLA LLP

*Attorneys for Defendant
Home Expressions, Inc.*

By: 

Caroline J. Berdzik, Esquire

Dated: March 19, 2021